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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,976	01/21/2000	William J. Baer	STL000014US1	5177

23373 7590 09/01/2006

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/488,976	Applicant(s) BAER ET AL.	
	Examiner HUNG Q. PHAM	Art Unit 2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

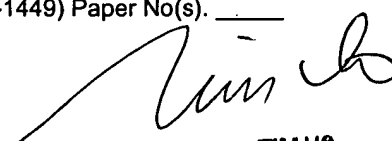
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-32.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.



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The various screen shots as indicated in the previous Action were obtained from the process of creating an ezWriter file as taught by Vaughn after downloading the ezWriter v2.0 copyright 1996-1998 from the suggested URL in the IDS (<http://www.winsite.com/bin/Info?500000002528>) into a computer that has a conventional operating system, e.g., Window 98. The purpose of those screen shots is to illustrate the process of creating an ezWriter file. The examiner respectfully provides the applicants further additional screen shots for clarifying the previous screen shots in the Final Office Action. These additional screen shots include the ezWriter logo and Window 98 for establishing the source and date for these screen shots.

Applicants' arguments with respect the step of receiving and adding at pages 3 and 4 have been fully considered but they are not persuasive.

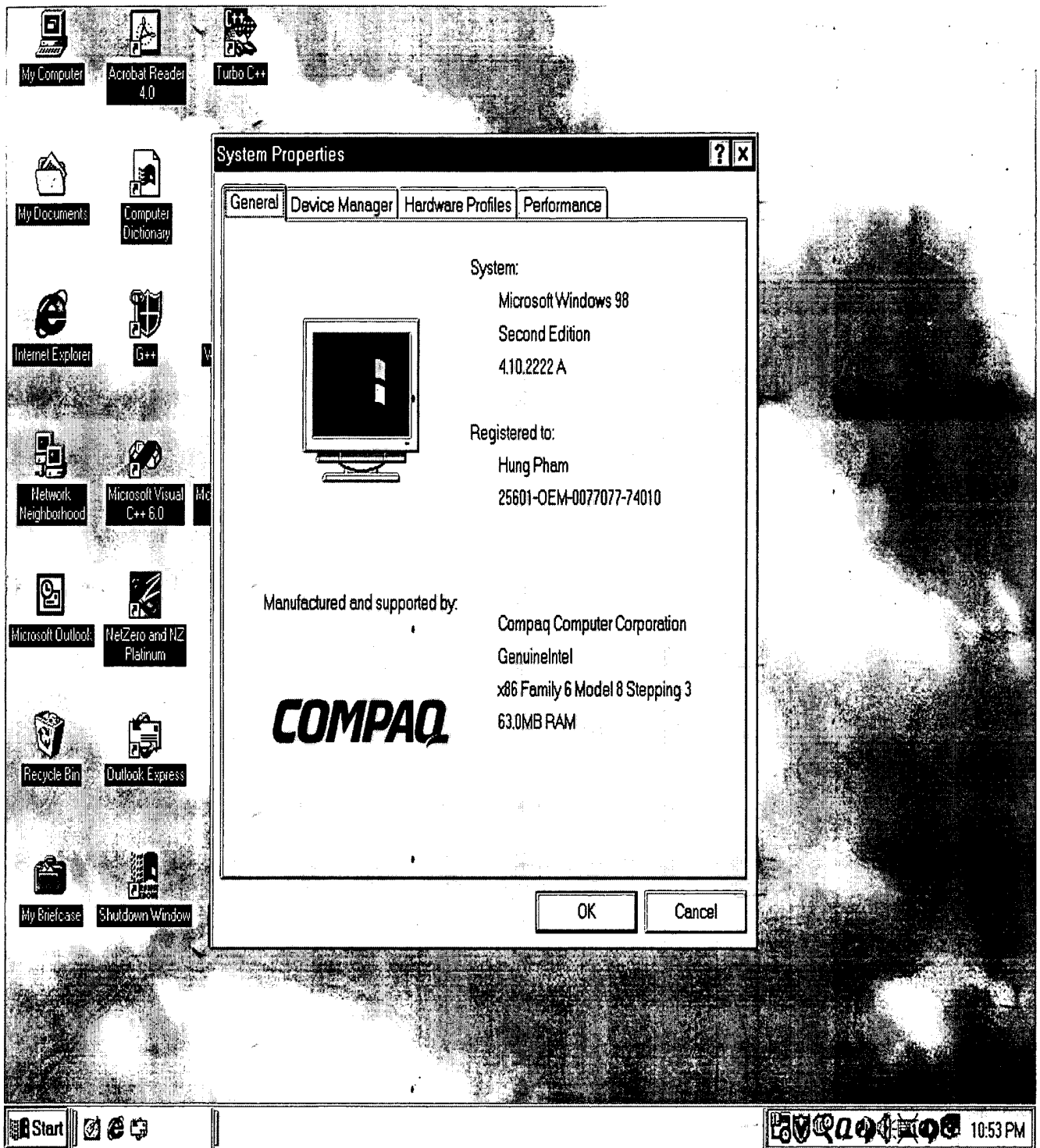
Examiner respectfully disagrees with the applicants' assertion: *the identifier ("First Chapter") of the user-provided content cannot be added to the list of content entity identifiers (The Trifanton Castle Trilogy file) since the user-provided content ("First Chapter") has been stored in the data repository in the "receiving" step.*

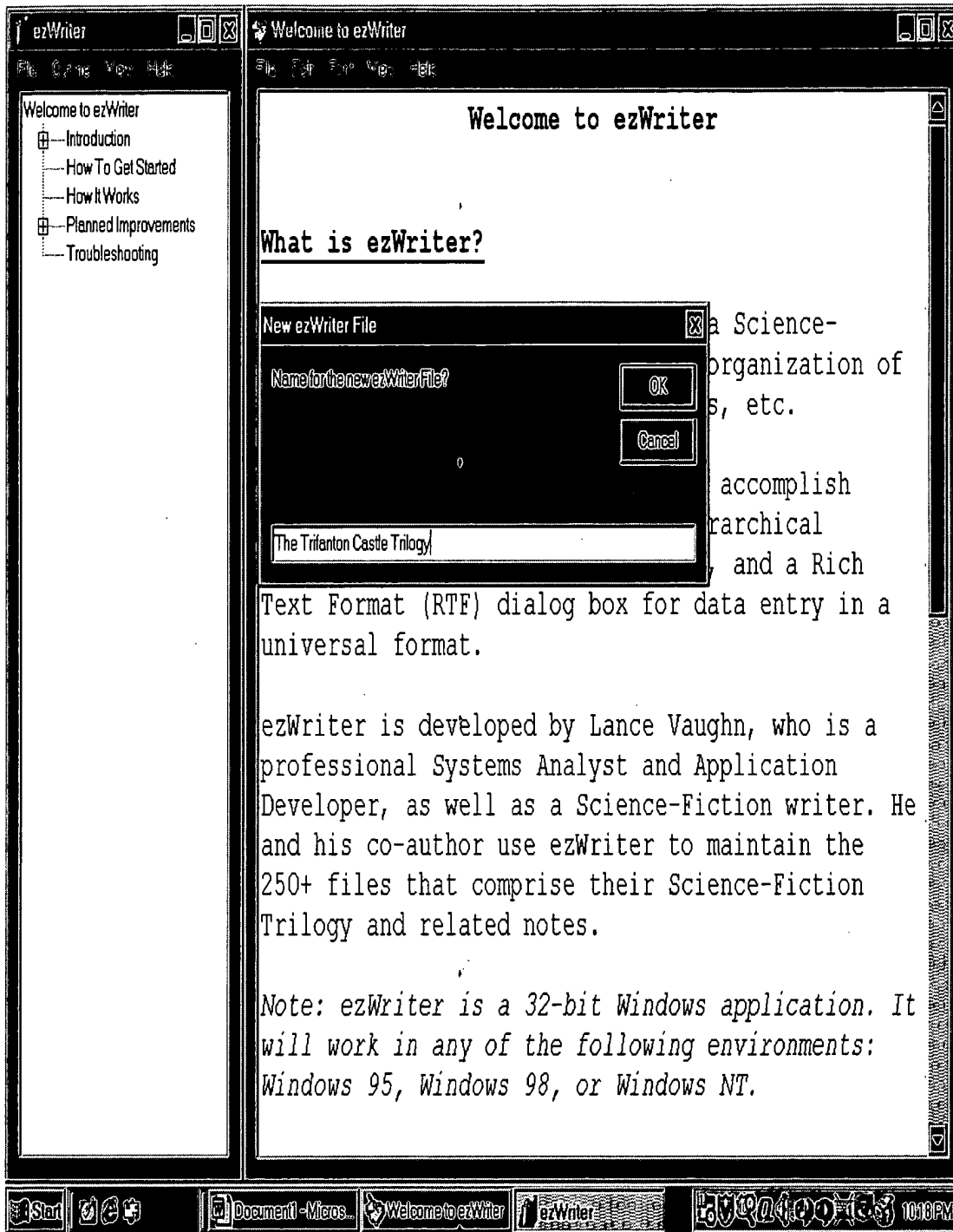
As taught by Vaughn, a user can create an RTF file by using Microsoft Word 97 (not the ezWriter) with the *user-provided content*, e.g., "This is the content of the First Chapter", save the RTF file in the "The Trifanton Castle Trilogy" directory, under a file name, e.g., "First Chapter" as the *identifier* (Screen Shots 4 and 5). In short, the RTF file *receives user-provided content*, e.g., "This is the content of the First Chapter", the user *assigns* the user-provided content an *identifier*, e.g., "First Chapter", and *stores it with its identifier in the data repository*, e.g., "The Trifanton Castle Trilogy" directory.

After creating the "First Chapter" file, the user can use ezWriter to add the created file name to the outline. The file name as *identifier of the user-provided content* could be added to the outline as *the list of content entity identifiers* by selecting the [Outline, Edit] of the Outline Window pull-down menu to view the .ezw file. The .ezw file is opened in Windows Notepad for adding the desired entry, e.g., "First Chapter" (FIG. 8). After saving the file and closing Notepad, by refreshing the outline [Outline, Refresh], the Outline Window displays the added file name. By selecting "First Chapter" in the Outline Window, *the user-provided content* (RTF file contains texts) is added to "The Trifanton Castle Trilogy" and displayed in the Writer Window (Screen Shots 6-8).

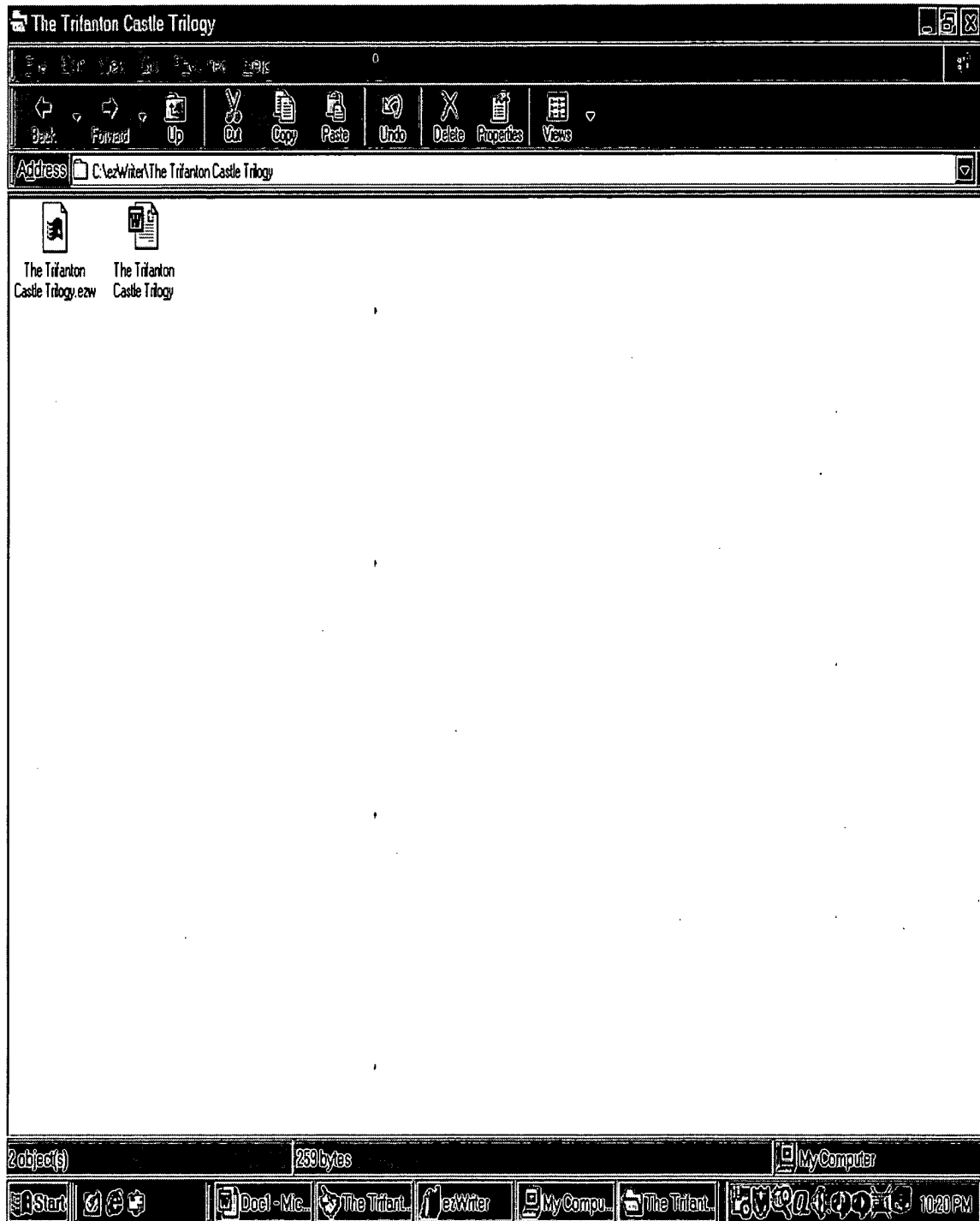
Thus, the Examiner has shown all of the elements of claims are disclosed in the cited art.

Applicants' arguments with respect to claim 31 have been fully considered but they are not persuasive. The ezWriter folder contains the ezWriter program for processing ezWriter file. Therefore, ezWriter is considered as *a library server*.

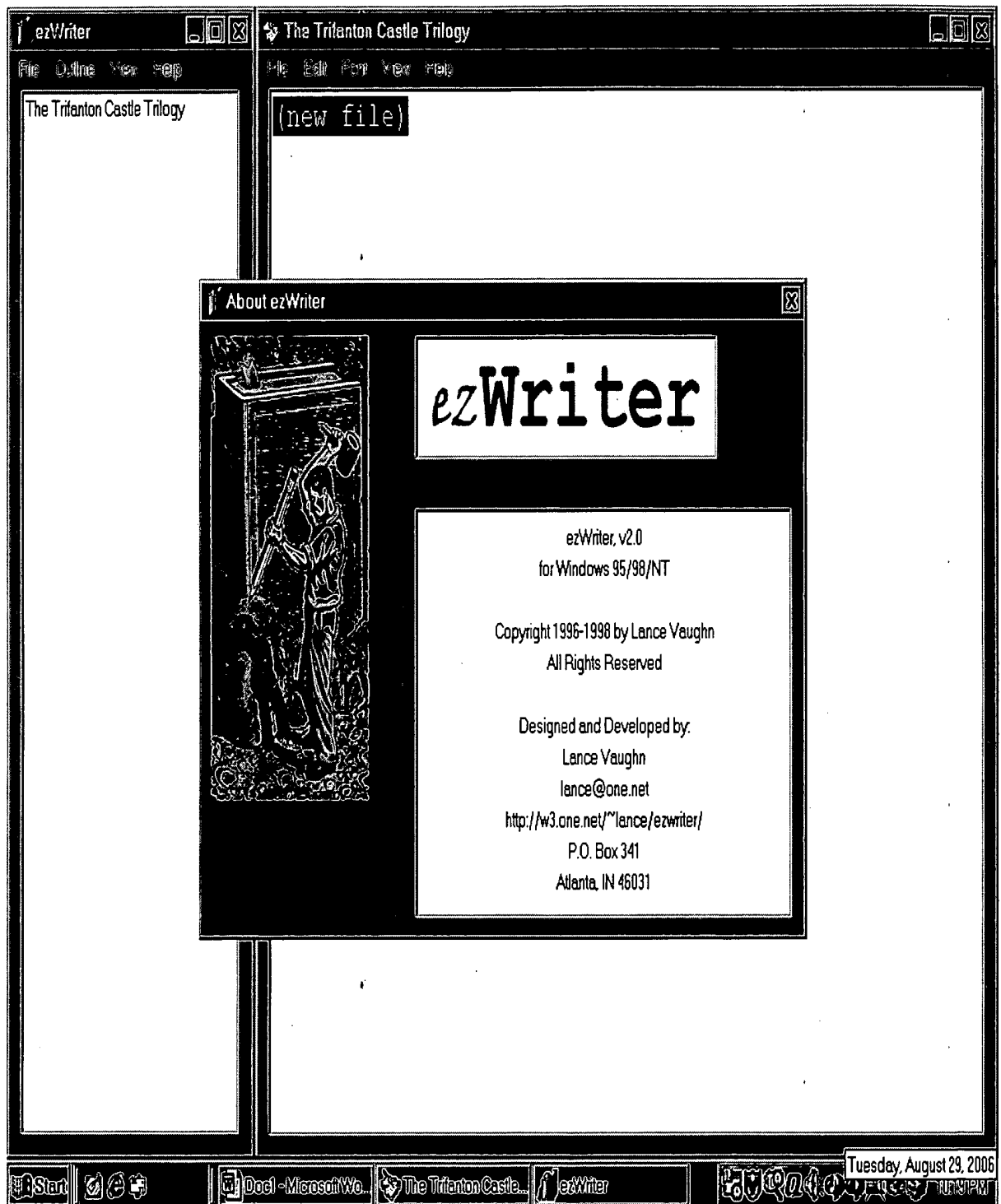




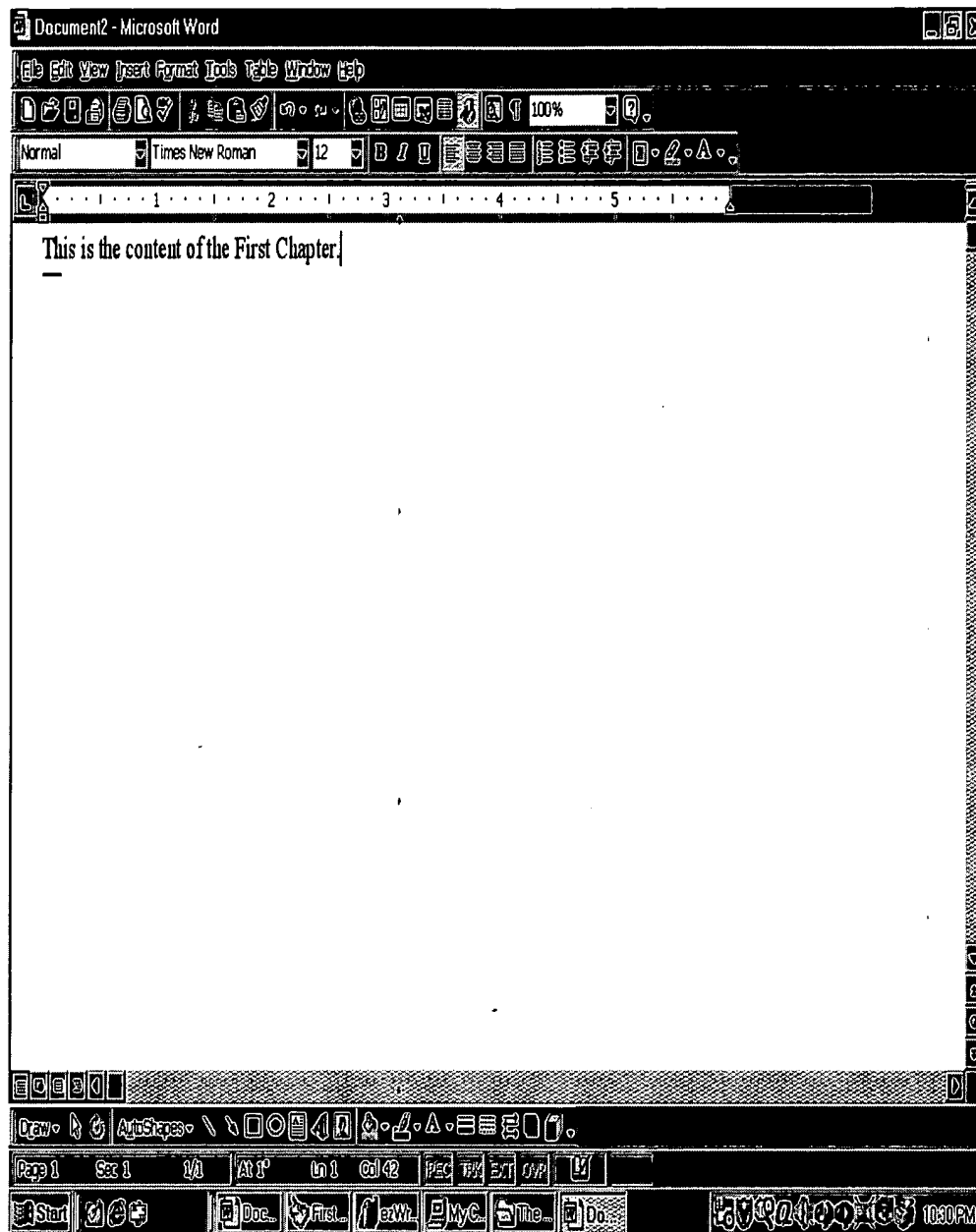
To create a collection of RTF files represented by an ezWriter file that is an index, a user selects [File, New], types in the name that the user would like to call, e.g., "The Trifanton Castle Trilogy" then selects <OK>.



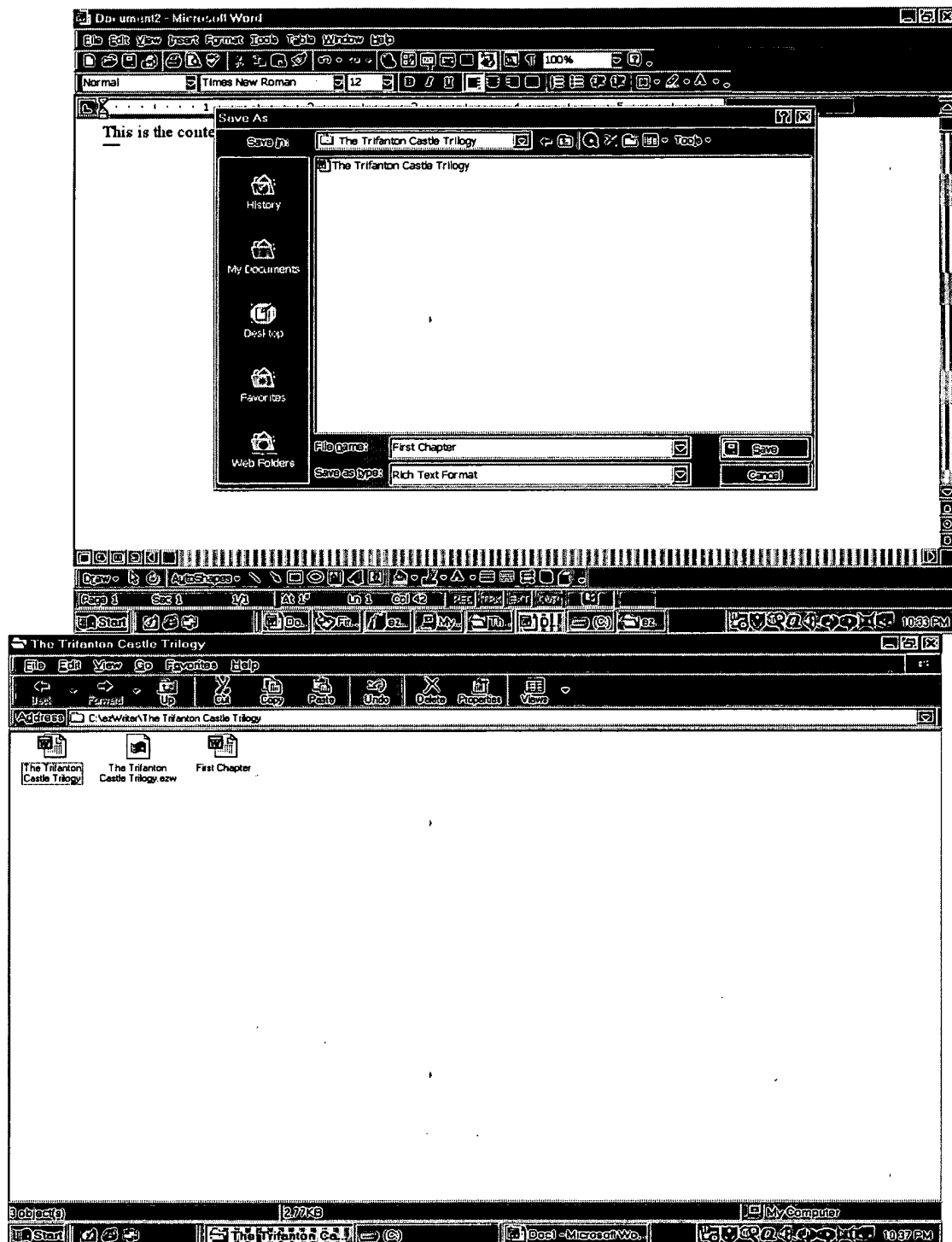
An ezWriter file and "The Trifanton Castle Trilogy" file were created. Both files were placed into "The Trifanton Castle Trilogy" directory under the ezWriter directory



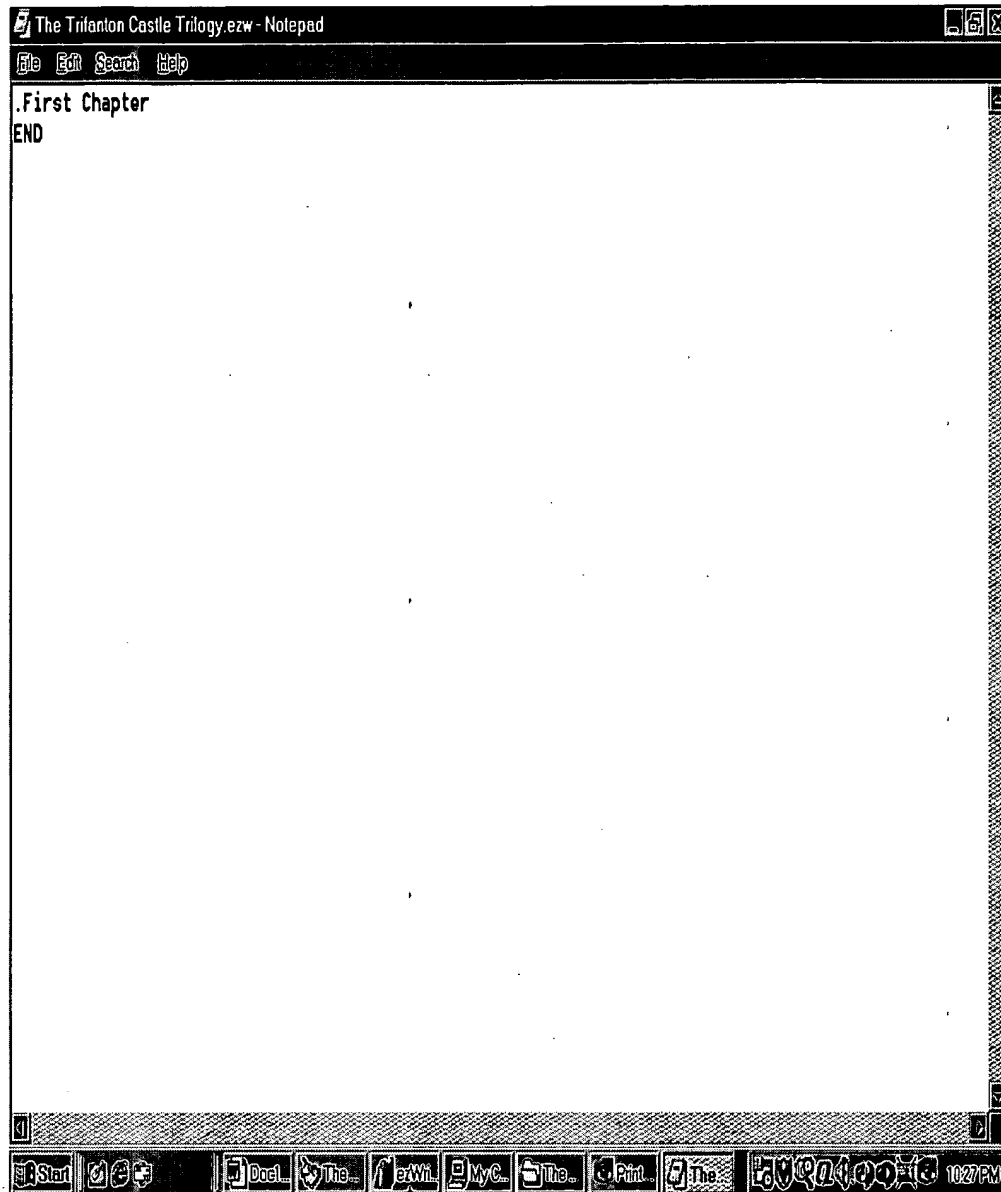
ezWriter is used to create an ezWriter file. The outline, which is an index file, has only one entry and is displayed in the Outline Window.



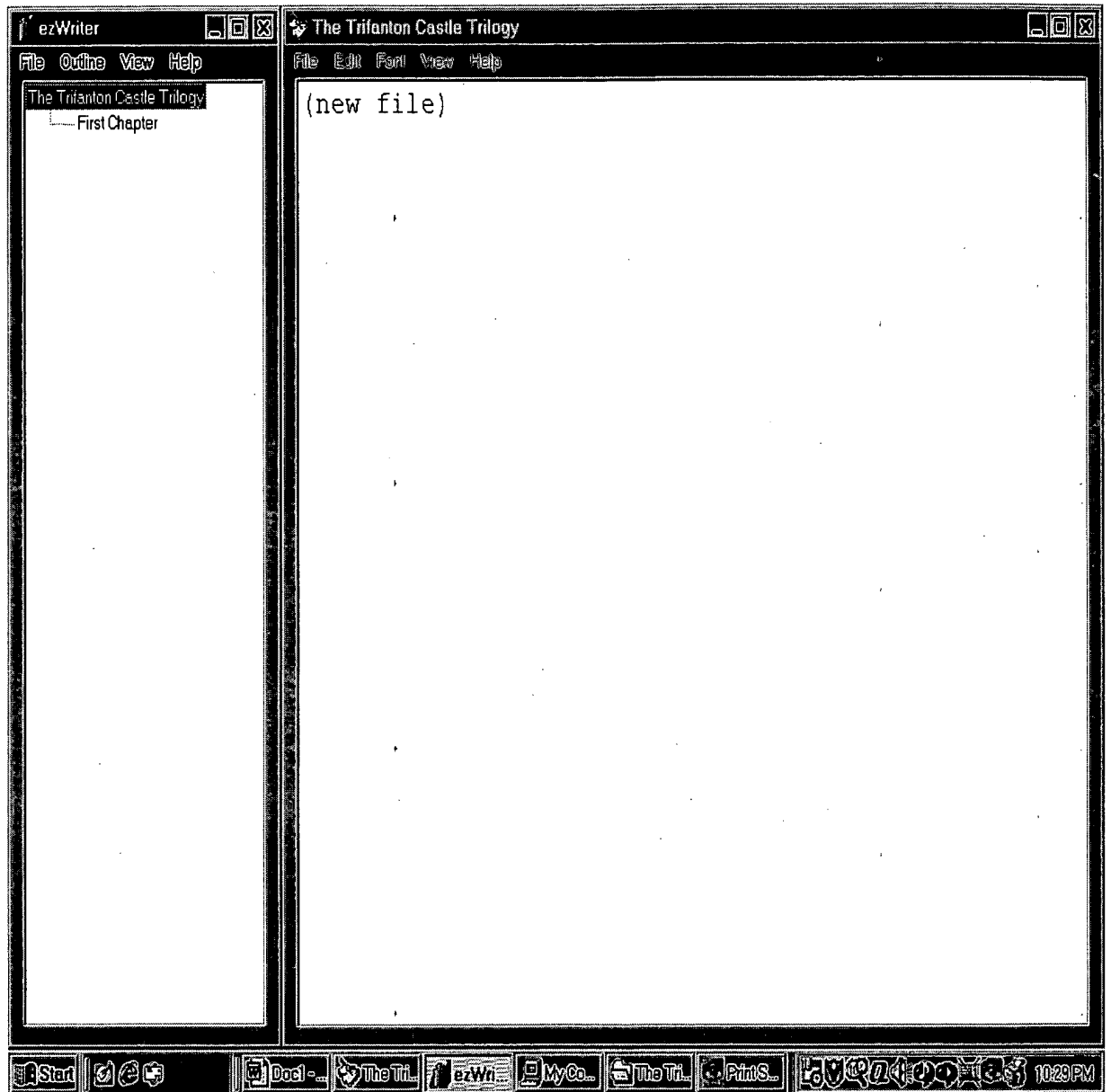
As taught by Vaughn, ezWriter works in Windows 95, Windows 98, or Windows NT (Page 3, "What is ezWriter"). A user can create an RTF file, e.g., using Microsoft Word 97, save it and send it to some one. RTF documents can include texts and pictures (Page 6, "Welcome to ezWriter"). Thus, an RTF document contains user-provided texts, e.g., "This is the content of the First Chapter", is equivalent to the claimed limitation *user-provided content*, which is received from the user via Word 97.



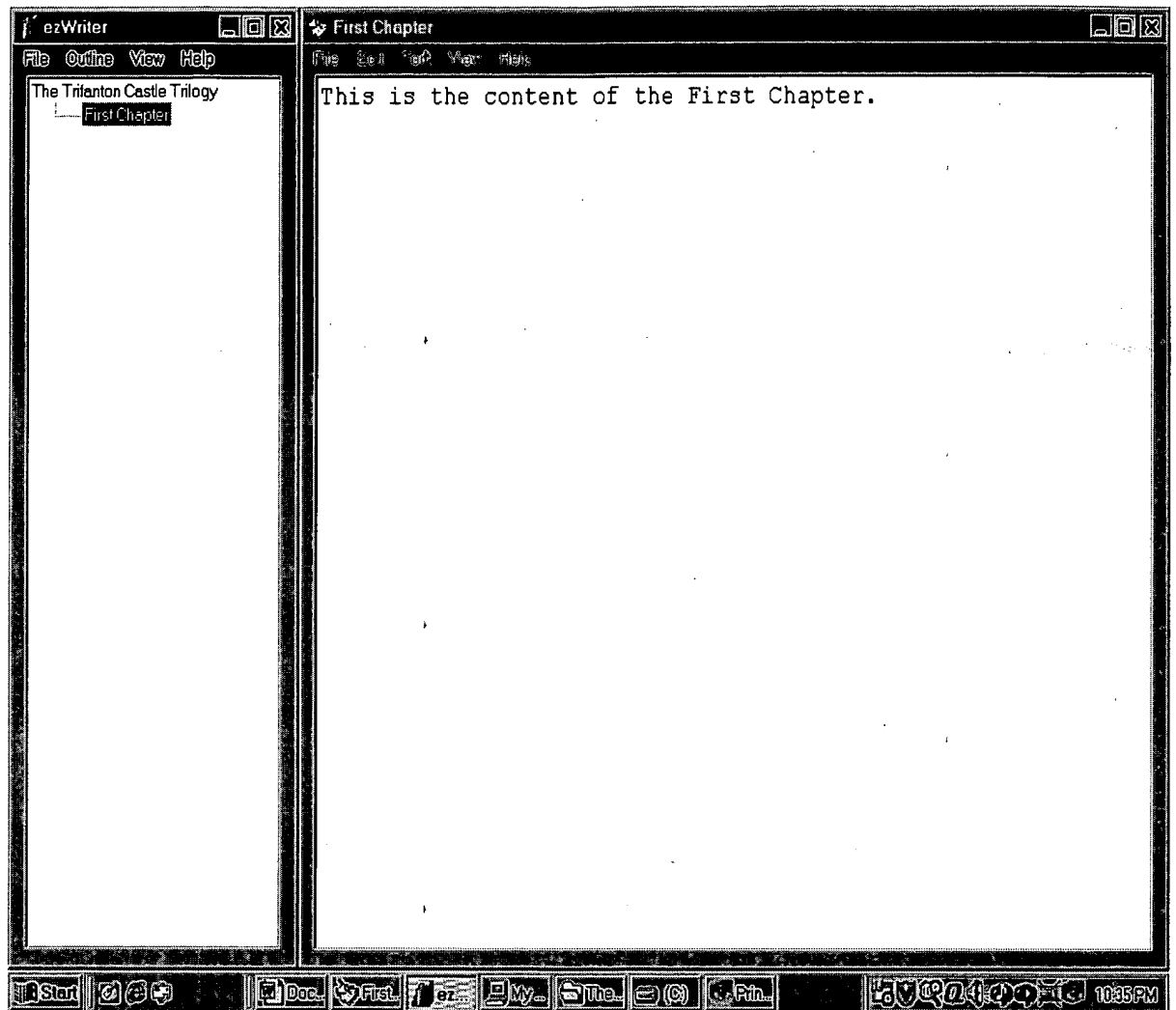
A file name, e.g., "First Chapter", is assigned to the file and saved under "The Trifanton Castle Trilogy" directory.



As further disclosed by Vaughn (Page 8, "How to Add Entries to the Outline"), the file name as *identifier of the user-provided content* could be *added to the outline as the list of content entity identifiers* by selecting the [Outline, Edit] of the Outline Window pull-down menu to view the .ezw file. The .ezw file is opened in Windows Notepad for adding the desired entry, e.g., "First Chapter".



After saving the file and closing Notepad, by refreshing the outline [Outline, Refresh], the Outline Window displays the added file name.



By selecting "First Chapter" in the Outline Window, *the user-provided content* (RTF file contains texts) is added to "The Trifanton Castle Trilogy" and displayed in the Writer Window.